

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES

v.

JUSTIN DAVID GAGLIO,  
Defendant.

M.J. No. 24-4399

**FILED UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Brian Gutierrez, being sworn, state:

**Introduction and Agent Background**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Boston Division, in Boston, Massachusetts. I have been employed in this capacity since October 27, 2019. I am currently assigned to the Domestic Terrorism squad of the FBI's Boston Division. As an FBI Agent, I am responsible for the investigation of federal criminal offenses. I have participated in various investigations involving national security matters. I routinely work with agents, troopers, and officers with dozens of years of experience investigating crimes involving organized criminal groups and terrorist organizations. In my capacity as a special agent, I have received training and gained experience in search and seizure, the use of confidential human sources, international and domestic terrorism, violent crimes, computer crimes, and various other crimes. As a result of my training and experience, I am familiar with the tactics, methods and techniques used by terrorist networks and their members, including the use of computers, cell phones, social media, email, and the internet in connection with criminal activity. Before being employed as an FBI Agent, I served as a U.S. Customs and Border Protection Officer for over four years. As a Special Agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

2. I submit this affidavit in support of a criminal complaint charging Justin David GAGLIO (hereinafter, “GAGLIO”), born in 1974, of Massachusetts, with Transmitting Interstate Threats, in violation of 18 U.S.C. § 875(c). As set forth below, there is probable cause to believe that on or about September 8, 2024, GAGLIO sent a threat to an elected official (hereinafter, the “Elected Official”)<sup>1</sup> via an online communication that was sent in interstate commerce.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is submitted for the limited purpose of establishing probable cause to believe that GAGLIO has committed the above offense. Accordingly, I have not included each and every fact known to me and other law enforcement officers involved in this investigation. I have set forth only the facts that I believe are needed to establish the requisite probable cause.

#### **Relevant Legal Authority**

4. It is a violation of Title 18, United States Code, Section 875(c) for any person who, “transmits in interstate or foreign commerce any communication containing any... threat to injure the person of another.” A “threat” is a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.

#### **Facts Supporting Probable Cause**

5. The Elected Official maintains an office located in Washington, D.C. The Elected Official has a public website that allows individuals to use online electronic forms to contact the Elected Official. In order to submit a contact form, the individual must provide certain information, including personal biographical information such as first and last name, date of birth, email address, telephone number, address, and the individual can also provide their Social Security

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<sup>1</sup> The affidavit uses the term “the Elected Official” to protect the identity and safety of the individuals referenced.

number. The individual completing the form must enter a brief explanation of their reason for requesting assistance from the Elected Official's office. After entering in all of that information, the individual submits the electronic form by clicking a button at the bottom of the webpage.

6. Beginning in or around January 2023, GAGLIO began contacting the Elected Official's office via online submissions through the Elected Official's website. Between January 2023 and September 2024, GAGLIO submitted over 80 separate messages to the Elected Official via the Elected Official's website; sometimes sending multiple messages within minutes of each other. In each of these requests he identified himself by name, and in most he included his Social Security number. In his messages, GAGLIO claimed to have been mistreated by various different government agencies, and he requested assistance and payment from the Elected Official. GAGLIO's claims of mistreatment were unfounded and not supported by any evidence.

7. In or about June 2023, GAGLIO began to escalate his rhetoric in his online messages to the Elected Official, and he started making more violent assertions. GAGLIO's online messages to the Elected Official continued through 2023 and into 2024.

8. In June 2024, GAGLIO contacted the Elected Official via the Elected Official's website continuing to ask the Elected Official to help him. In one such message, in which he identified himself by name and Social Security number, GAGLIO also listed his telephone number as (781) 500-0316 (hereinafter the, "0316 Number") and asked the Elected Official to contact him.

9. On or about September 8, 2024, at approximately 12:31 p.m., GAGLIO submitted a contact request to the Elected Official's website under the category of "Help With A Federal Agency." GAGLIO entered his first and last name, his date of birth, along with the email address "justingaglio111@gmail.com," and the 0316 Number. GAGLIO also provided the primary address of 534 Essex St., Lynn, Massachusetts, which is the location of a homeless shelter run by

the Lynn Continuum of Care. Under the category of Social Security Number he entered “Fuck you.” Under the category for country of birth, GAGLIO entered “Fuckoff.” Under the categories for beneficiary name, beneficiary alien registration number, beneficiary country of birth, petition form type, and USCIS receipt number, GAGLIO entered, “Fuckyou.”

10. In the content section of the contact form, where the website asks for an “explanation of your reason for requesting assistance” from the Elected Official’s office, GAGLIO wrote the following:

I am going to murder your entire family!  
I am contemplating going yo [sic] your home and butchering your  
fucking family [REDACTED]! If the air for e [sic] ft Meade the  
faggot fucking nsa doesn’t stop playing shit in my head you and your  
entire family [first name of Elected Official’s grandchild]<sup>2</sup> also and  
your [spouse] fucking die a horrific death.

11. The message above was received by the Elected Official’s office and was reported to the United States Capitol Police.

12. Based on the investigation, I am aware that the message described above, which was sent to the Elected Official via the Elected Official’s website on September 8, 2024, was sent over the internet via a mobile gateway serviced by T-Mobile in Everett, Massachusetts. That message was then routed over the internet and was routed by servers operated by the federal government in Virginia and Pennsylvania.

13. On September 12, 2024, investigators made an exigent information request to T-Mobile for subscriber information, call detail records with cell sites, as well as continuous location information, timing advance, and data sessions related to the 0316 Number. According to the records provided by T-Mobile, the 0316 Number was subscribed to by “JUSTINDAVID

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<sup>2</sup> The actual name listed was the first name of the Elected Official’s grandchild. In order to protect the identity and the safety of that individual, their name is not being disclosed here.



GAGLIO" with an address in Lynn, Massachusetts.

14. Based on the historic location records provided by T-Mobile, investigators located GAGLIO just outside of 534 Essex Street in Lynn, which was the address listed by GAGLIO in the September 8, 2024 threat to the Elected Official.

**CONCLUSION**

15. Based on the information described herein, there is probable cause to believe that on or about September 8, 2024, Justin David GAGLIO violated 18 U.S.C. § 875(c).

Sworn to under the pains and penalties of perjury,

  
Brian Gutierrez  
Special Agent  
Federal Bureau of Investigation 

~~Subscribed and~~ sworn telephonically pursuant to Fed. R. Crim. P. 4.1 on September 17, 2024.

  
HON. DAVID H. KENNEDY  
UNITED STATES DISTRICT JUDGE



3:33 p.m.